

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GWENDOLYN SMITH,

Plaintiff,

v.

JOHN DOES 1-10 d/b/a
Straighttalknews.org,

Defendants.

No. C 10-0996 PJH

**ORDER GRANTING LEAVE
TO AMEND**

The court is in receipt of plaintiff's ex parte application for leave to amend her complaint. Plaintiff seeks to file an amended complaint that names the true individual and corporate identities of the primary Doe defendants.

Plaintiff's request is GRANTED. Although amendment as a matter of course pursuant to Federal Rule of Civil Procedure ("FRCP") 15(a)(1) is precluded by plaintiff's failure to effect service of the summons and complaint upon any defendant thus far, the filing of an amended complaint in order to name the primary Doe defendants is both warranted and permissible pursuant to FRCP 15(a)(2). Plaintiff is accordingly instructed to properly file the proposed first amended complaint as the operative stand-alone pleading in this action, within 5 days of entry of this order.


In view of plaintiff's numerous requests for extensions of time to serve the summons and original complaint – which requests number at least four and span nearly an entire year – the court furthermore instructs plaintiff that service of the summons and first amended complaint upon all defendants must be completed within 30 days of the entry of this order (i.e., no later than March 17, 2010). Plaintiff shall file a proof of service to that effect, no

1 later than March 31, 2011.

2 The March 24, 2011 case management conference currently scheduled in this action
3 is VACATED. A new case management conference date will be scheduled, once plaintiff's
4 proof of service is received.

5
6 **IT IS SO ORDERED.**

7 Dated: February 15, 2011



PHYLLIS J. HAMILTON
United States District Judge